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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

PATEL, HARESH N

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,953

Applicant(s)

NATARAJAN ET AL.

Examiner

Haresh Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Election/Restrictions

2. Newly submitted claims 13-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 13-20 are drawn to selecting a protocol from multiple protocols based on priority rules or communication profiles.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The specification is objected to because it does not contain subject matter containing any software or hardware to implement addition of limitations “upon evoking on the second computer the object located on the first computer”, “dynamically arranging the bids bid values in a sequence corresponding to their relative values so as to indicate the relative preference among the protocols”. Hence, claim 1 is rejected under 35

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U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Also, it is not apparent who is evoking and how evoking is performed. The addition of the limitations upon evoking on the second computer the object located on the first computer”, “dynamically arranging the bids bid values in a sequence corresponding to their relative values so as to indicate the relative preference among the protocols” of claim 1, has been rejected by the examiner.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-7, 9, 10, 12, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1, recites the limitations, “dynamically arranging the bids bid values”, “parsing the arranged bid values”. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 3, recites the limitations, “the step of setting the bid value for the protocol”, “no other value for the bid is determined”. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 4, recites the limitation, “the bid valuefor the protocol relating to the property”. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 5, recites the limitation, “the one or more properties to the enabled”. There is insufficient antecedent basis for this limitation in the claim.

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9. Claim 6, recites the limitation, "the lowest value bid is the most preferred and the highest value bid is the least preferred". There is insufficient antecedent basis for this limitation in the claim.
10. Claim 7, recites the limitation, "according to the bid values". There is insufficient antecedent basis for this limitation in the claim.
11. Claims 9 and 10, recite the limitation, "the value of the bids falling within". There is insufficient antecedent basis for this limitation in the claim.
12. Claim 12, recites the limitation, "the bids in any other range". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kukura et al. 6,633,923 (Hereinafter Kukura).
15. As per claim 1, Kukura teaches the following:

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a method for selecting one protocol from among a plurality of protocols to establish communication between two computers (e.g., col., 1, line 53 – col., 2, line 8), where the first computer has an object and the second computer has an object-handle associated with the object (e.g., col., 1, line 53 – col., 2, line 8), and where the object-handle identifies the plurality of protocols (e.g., col., 1, line 53 – col., 2, line 8), the method comprising the steps of:

generating bid values for one or more protocols among the plurality of protocols identified by the object-handle upon evoking on the second computer the object located on the first computer (e.g., col., 49, line 43 – col., 50, line 58),

dynamically arranging the bids bid values in a sequence corresponding to the their relative values so as to indicate the relative preference among the protocols (e.g., col., 54, line 10 – col., 55, line 54), and

parsing the arranged bids values to select a protocol that is the highest preference according to the sequence and is effective in establishing the communication (e.g., col., 28, lines 36 – 62).

16. As per claim 2, Kukura teaches the following:

referencing a predefined configuration that is associated with the second computer (e.g., col., 51, line 34 – col., 56, line 21);

for each protocol among the plurality of protocols, determining whether the protocol qualifies according to the configuration (e.g., col., 51, line 34 – col., 56, line 21);
and

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when the protocol qualifies, setting a bid value for the protocol according to the configuration (e.g., col., 51, line 34 – col., 56, line 21).

17. As per claim 3, Kukura teaches the following:

default value associated with a protocol, and the generating step further comprises the step of setting the bid value for the protocol equal to the default value on the condition that no other value for the bid is determined (e.g., col., 51, line 34 – col., 52, line 54).

18. As per claim 4, Kukura teaches the following:

the configuration includes at least one property relating to one or more protocols among the plurality of protocols (e.g., col., 54, lines 50 –66), wherein the each property has an enabled and disabled state (e.g., col., 54, lines 50 –66), and wherein the each property is associated with a bid range value(e.g., col., 53, lines 7 – 65), the method further comprising the steps of: a. referencing the property (e.g., col., 51, lines 35 – 65); and b. setting the bid valuefor the protocol relating to the property equal to a value within the bid range associated with the property when the property is in the enabled state (e.g., col., 54, lines 50 –66).

19. As per claim 5, Kukura teaches the following:

setting the one or more properties are-set to the enabled or the disabled state based on signals from a user operating the second computer (e.g., col., 54, lines 50 –66).

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20. As per claim 6, Kukura teaches the following:

the arranging step further comprises the step of determining that the lowest value bid is the most preferred and the highest value bid is the least preferred (e.g., col., 8, line 57 – col., 9, line 28).

21. As per claim 7, Kukura teaches the following:

the sequence is ascending order according to the bid values (e.g., col., 8, line 57 – col., 9, line 28).

22. As per claim 8, Kukura teaches the following:

referencing a predefined configuration that is associated with the second computer (e.g., col., 51, line 34 – col., 56, line 21); and setting a bid equal to a value within one of a plurality of prescribed ranges according to predefined rules in the configuration (e.g., col., 51, line 34 – col., 56, line 21).

23. As per claim 9, Kukura teaches the following:

the configuration includes a priority list (e.g., col., 7, lines 1-15), and the generating step further comprising the step of adjusting the value of the bids falling within a single range according to the priority list specified in the configuration (e.g., col., 7, lines 19 – 36).

24. As per claim 10, Kukura teaches the following:

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determining one or more conditions associated with the plurality of prescribed ranges such that the bids falling within each of the plurality prescribed ranges are parsed when the associated conditions are satisfied (e.g., col., 28, lines 36 – 62).

25. As per claim 11, Kukura teaches the following:

the ranges include an exclusivity range with an associated condition that if there is at least one bid within the exclusivity range (e.g., col., 28, lines 36 – 62), the bids falling within ranges having lower preference than exclusivity range are not parsed (e.g., col., 39, lines 16 – 67).

26. As per claim 12, Kukura teaches the following:

the ranges include a critical range with an associated condition such that the bids falling within the critical range are parsed before the bids in any other range are parsed (e.g., col., 26, line 43 – col., 27, line 42).

27. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Goertzel et al. 6,208,952 (Hereinafter Goertzel).

28. As per claim 1, Goertzel teaches the following:

a method for selecting one protocol from among a plurality of protocols to establish communication between two computers, where the first computer has an object and the second computer has an object-handle associated with the, object, and where the object-handle identifies the plurality of protocols, the method comprising the steps of:

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generating bid values for one or more protocols among the plurality of protocols identified by the object-handle upon evoking on the second computer the object located on the first computer (e.g., col., 7, line 35 – col., 8, line 33;

dynamically arranging the bids bid values in a sequence corresponding to their relative values so as to indicate the relative preference among the protocols (e.g., col., 7, line 35 – col., 8, line 33), and

parsing the arranged bid values to select a protocol that is the highest preference according to the sequence and is effective in establishing the communication (e.g., col., 7, line 35 – col., 8, line 33).

29. As per claim 2, Goertzel teaches the following:

referencing a predefined configuration that is associated with the second computer (e.g., col., 7, line 35 – col., 8, line 33),

for each protocol among the plurality of protocols, determining whether the protocol qualifies according to the configuration (e.g., col., 7, line 35 – col., 8, line 33); and

when the protocol qualifies, setting a bid value for the protocol according to the configuration (e.g., col., 7, line 35 – col., 8, line 33).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of Underwood 6,601,233.

32. As per claims 3-5, Goertzel discloses the invention substantially as claimed including:

the configuration includes a default value associated with a protocol, and setting the bid for the protocol equal to the default value on the condition that no other value for the bid is determined (e.g., col., 7, line 35 – col., 8, line 33).

Goertzel does not specifically mention about a default protocol settings and the detailed protocol related settings. However, the concept of protocol selection based on protocol related criteria is clearly disclosed by Goertzel and it is also well known in the prior art, for example, Underwood, discloses the following:

the configuration includes a property relating to a protocol, wherein each property has an enabled and disabled state, and wherein each property is associated with a bid range, referencing a property; and setting the bid value for the protocol relating to the property equal to a bid value within the bid range associated with the property when the property is in the enabled state, the one or more properties to the enabled or the disabled state based on signals from a user operating the second computer (e.g., col., 28, line 26 – col., 72, line 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goertzel and Underwood because Underwood's use of graphical user interface windows would facilitate setting the

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protocol property selections. The default protocol property values and user selection of protocol details would allow one computer to communicate with another computer using the most reliable protocol from the specified object supported protocols, as suggested by Underwood.

33. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of "Official Notice".

34. As per claims 6 and 7, Goertzel discloses the invention substantially as claimed including:

the arranging step is determined by the value of the bids (e.g., col., 7, line 35 – col., 8, line 33).

Goertzel does not specifically mention about lowest value bid is the most preferred. However, the concept of protocol selection based on protocol related criteria are clearly disclosed by Goertzel.

"Official Notice" is taken that both the concept and advantages of providing setting the orders of bidding such that the lowest value bid is the most preferred, the highest value bid is the least preferred and parsing in ascending order is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include desired bidding order with the teachings of Goertzel in order to facilitate because it would provide a selection of the protocol based on its bid value and the order in which the protocol is listed. The protocol having bid value lesser

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than other protocols will be selected first. If two protocols will have same bid values than the protocol having the ascending bid value will be selected first.

35. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. in view of Jerger et al. 6,345,361 (Hereinafter Jerger).

36. As per claims 8-12, Goertzel discloses the invention substantially as claimed including:

referencing a predefined configuration that is associated with the second computer; and setting the bid equal to a value according to the predefined rules in configuration (e.g., col., 7, line 35 – col., 8, line 33).

Goertzel does not specifically mention about protocol settings selected from plurality of ranges and the detailed protocol related settings. However, the concept of protocol selection based on protocol related criteria is clearly disclosed by Goertzel and it is also well known in the prior art, for example, Jerger, discloses the following:

plurality of prescribed ranges for bid value, a priority list, adjusting the value of the bids falling within a single range according to the priority list specified in the configuration, one or more conditions associated with the plurality of prescribed ranges such that the bids falling within each of the plurality prescribed ranges are parsed when the associated conditions are satisfied, (e.g., col., 11, lines 8 – 12),

the ranges include an exclusivity range with an associated condition that if there is at least one bid within the exclusivity range (e.g., protected permissions settings, col., 10, line 3 – col., 11, line 25), the bids falling within ranges having lower preference than exclusivity range are not parsed (e.g., protected permissions settings, col., 10, line 3 –

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col., 11, line 25), the ranges include a critical range with an associated condition such that the bids falling within the critical range are parsed before the bids in any other range are parsed (e.g., the settings that are not modifiable by the user, col., 10, line 3 – col., 11, line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goetzel and Jerger because Jerger's use of graphical user interface windows would facilitate setting the protocol property selections. The user selection of protocol details from several associated ranges would allow one computer to communicate with another computer using the most reliable protocol from the specified supported protocols, as suggested by Jerger.

Response to Arguments

37. Applicant's arguments filed 6/25/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-12 is maintained.

Applicant argues (1) Goertzel does not disclose, "The protocol selection is typically applicable to future clients as well because of a global registry for priority. In contrast, the present invention uses a different selection may be made for each instance of a communication session" and "selecting from the protocols identified in the object handle". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "The protocol selection is typically applicable to future clients as well because of a global registry for priority. In contrast, the present invention uses a different selection may be made for each instance of a communication session" and "selecting from the protocols

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identified in the object handle", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8, of the specification states "While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention".

Therefore the rejection is maintained as disclosed above.

Applicant argues (2) Goertzel does not disclose, "the second computer is the client process" and "if the protocol does not qualify for the communication pertaining to the remote object then bid for that protocol is not selected and the protocol will not be used". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies "the second computer is the client process" and "if the protocol does not qualify for the communication pertaining to the remote object then bid for that protocol is not selected and the protocol will not be used", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8, of the specification states "While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention".

Therefore the rejection is maintained as disclosed above.

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Applicant argues (3) Goertzel does not disclose, “In the present invention, because of dynamic protocol selection in response to a call for a remote process, default values have purpose”. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “In the present invention, because of dynamic protocol selection in response to a call for a remote process, default values have purpose”, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8, of the specification states “While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention”. Therefore the rejection is maintained as disclosed above.

Applicant argues (4) Goertzel and Underwood do not disclose, “the use of user preferences such as quality of service requirements in the protocol selection process. According to the claimed invention, the term properties, refers to characteristics of the protocol for communication, such as security or proxies. These properties may be enabled or disabled by a user operating the second computer”. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “the use of user preferences such as quality of service requirements in the protocol selection process. According to the claimed invention, the term properties, refers to characteristics of the protocol for communication, such as security or proxies. These properties may be enabled or disabled

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by a user operating the second computer”, are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8, of the specification states “While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention”. Therefore the rejection is maintained as disclosed above.

Applicant argues (5) Goertzel, Underwood and/or Jerger do not disclose, “a method for using quality of service properties to influence bidding values and thereby incorporate the user preferences in protocol selection in a predictable way” and “incorporating properties relating to protocols into a bidding process that determines which protocol is used for each communication session”. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “a method for using quality of service properties to influence bidding values and thereby incorporate the user preferences in protocol selection in a predictable way” and “incorporating properties relating to protocols into a bidding process that determines which protocol is used for each communication session”, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8, of the specification states “While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it

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will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention”.

Therefore the rejection is maintained as disclosed above.

Applicant argues (6) Goertzel, Underwood and/or Jerger do not disclose, “The ranges indicate relative priority, e.g., critical, exclusive or normal, which may be unrelated to security requirements. For example, a co-located object is typically assigned to a critical range”, “The bids relate to communication protocols for a single server and are based on a predefined rule”, “The ranges are linear but they are processed according to predefined rules in the configuration, thus the ranges do not have a hierarchical relationship among them”, “The bidding is particular to the client”, “Exclusivity refers to eligibility of a bid to participate in the protocol selection process”. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies “In the claimed invention, the ranges indicate relative priority, e.g., critical, exclusive or normal, which may be unrelated to security requirements. For example, a co-located object is typically assigned to a critical range”, “The bids relate to communication protocols for a single server and are based on a predefined rule”, “The ranges are linear but they are processed according to predefined rules in the configuration, thus the ranges do not have a hierarchical relationship among them”, “The bidding is particular to the client”, “Exclusivity refers to eligibility of a bid to participate in the protocol selection process”, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Also, lines 13-15, page 8,

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of the specification states "While the invention has been particularly shown and described with reference to a preferred embodiment thereof, it will be understood by those skilled in the art that various changes in form and details maybe made therein without departing from the spirit and scope of the invention". Therefore the rejection is maintained as disclosed above.

Applicant argues (7) "Amended claims are to just clarify the claim language rather than change the scope". The examiner respectfully disagrees. The interpretation of limitation "Bids for one or more protocol" was to select the protocol by bidding (See paragraphs 13, page 5 of the specification). The amended limitation "generating bid values for one or more protocols" is to assigning a value (such as priority value) to the protocol (See paragraph 15, page 6 of the specification). Also, "bids bid values", i.e., "bids having bid values" is different from just bids (See paragraph 15, page 6 of the specification, claim 13). The amended limitation "a bid for the protocol" is obviously different than the previous limitation "the bid" (See paragraph 15, page 6 of the specification, claim 13). The amended limitations "protocols identified by the object-handle upon evoking on the second computer the object located on the first computer", dynamically arranging the bids bid values in a sequence corresponding", "setting the bid valuefor the protocol relating to the property", are new since they did not exist in the previously presented claimed subject matter, including the preambles. Hence, examiner believes that the amended claimed subject matter change the scope of the previously presented claimed subject matter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Haresh Patel

August 28, 2004

A handwritten signature in black ink, appearing to read 'J. Follansbee', with a stylized, cursive script.

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**